

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11678 of 2009

Prabesh Kumar Jha, son of Sri Nachari Jha, resident of village + P.O.-
Paricharpur, P.S.-Rajnagar, District-Madhubani

... .. Petitioner/s

Versus

1. The Life Insurance Corporation of India, through the Chairman, L.I.C. of India Central Office, Yogaksheman, Mumbai
2. The Chairman, L.I.C. of India, Central Office, 'Yogaksheman' Jeevan Bima Marg, Mumbai.
3. The Zonal Manager, L.I.C. of India, Eastern Zonal Office, Hindustan Building, 04. Chitranjan Avenue, Kolkata-700 072.
4. The Zonal Manager, L.I.C. of India, East Central Zonal Office, Jeevan Deep Building Exhibition Road, Patna
5. The Senior Divisional Manager, L.I.C. of India, Muzaffarpur Divisional Office, Jeevan Prakash, Umashankar Prasad Marg, P.B.No. 3, Muzaffarpur.
6. The Manager (CRM), L.I.C. of India, Divisional Office, Muzaffarpur
7. The Branch Manager, L.I.C. of India, Branch Office, Jhanjharpur, District-Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra Mr. V.K.Mukul
For the Respondent/s	:	Mr. Abhimanyu Vatsa Mr. Rajni Kant Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 07-03-2018

Heard the learned counsel for the petitioner and the learned
counsel for the Life Insurance Corporation of India.

In this case, the petitioner has made a prayer for issuance of
mandamus commanding and directing the respondents concerned
to pay the pension and other retrial benefits.

As per the petitioner, he has completed more than 20 years of
qualifying service in the Life Insurance Corporation of India and



has claimed that he has made an application for voluntary retirement on 07.07.2006. The petitioner was posted as Assistant in the Life Insurance Corporation of India, Jhanjharpur Branch on 07.03.1985 and subsequently, he was promoted to the post of A.A.O. in December, 1999. On account of such family problem, the petitioner has made an application before the Zonal Manager, Kolkata dated 07.07.2006 wherein he has mentioned that he is tendering his resignation that should be accepted immediately. When the petitioner did not receive any response, he again sent a reminder dated 22.02.2006 (Annexure-A to the counter affidavit filed by the Life Insurance Corporation of India) wherein he has mentioned as follows:-

“I have no option but to keep myself absent from office with effect from 23.09.2006. Therefore, I submit herewith my charge vested in A.A.O. to you. Any type of dues will be recovered from my benefit.”

So, in the letter of reminder, he again mentioned that he has tendered his resignation and there was no application for opting of voluntary retirement and accordingly, the Life Insurance Corporation of India has accepted his resignation on 14.10.2017 (Annexure-2) and later on, he realized his mistake and claimed that he has not tendered his resignation, but he has opted for the V.R.S. and as such, he is entitled to all the retiral dues and other



benefits in terms of the V.R.S. schemes, but from the record itself it shows that he has not applied for the V.R.S, but he has stated that he is tendering resignation, which is also mentioned in the reminder. He requested for acceptance of resignation, wherein he stated that in case his resignation would not be responded he has no option but to keep absent from his work. So, he had made up his mind, consciously filed an application for his resignation. It cannot be said that it is a mere mistake. This Court can understand that at first time, he could have committed mistake, but in second time incidence of his resignation has been mentioned itself reflects the mind of the person, who had filed the application under the L.I.C. Employee Pension Rule Clause 23 as follows:-

“Forfeiture of service:- Resignation or dismissal or removal or termination or compulsory retirement of an employee from the service of the Corporation shall entail forfeiture of his entire post service and consequently shall not qualify for the pensionary benefits.”

So, the pension rule itself makes very clear that any employee ventures for his resignation, his past service will be forfeited and he may be disqualified for the pension.

In such view of the matter and the claim of the petitioner to pay the pension does not arise as the petitioner has gone for resignation and not for the voluntary retirement. This Court does



not find any merit in the present case. Accordingly, this application
is dismissed.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.03.2018
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